

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Central Highlands Regional Council Certified Agreement 2018-2021 [2021] QIRC 328*

PARTIES: **Central Highlands Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

CASE NO: CB/2021/41

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 23 September 2021

HEARING DATE: 23 September 2021

MEMBER: Knight IC

HEARD AT: Brisbane

ORDER: ***The Central Highlands Regional Council Certified Agreement 2018-2021 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of a certified agreement after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 189, s 228*

APPEARANCES:

Ms M Webster of the Central Highlands Regional Council

Mr D Marr of The Australian Workers' Union of Employees, Queensland

Mr S Bowman of the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 13 September 2021, the Central Highlands Regional Council ('the Council') applied to terminate the *Central Highlands Regional Council Certified Agreement 2018-2021* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 30 June 2021.
- [3] Section 228(3) of the IR Act provides:
 - (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and—
 - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met—the conditions have been met; or
 - (b) for an agreement or determination that does not provide for the way it may be terminated—
 - (i) the other parties to the agreement or determination agree to it being terminated; and
 - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Mr Jason Hoolihan, Acting General Manager Infrastructure and Utilities of the Council, filed on 13 September 2021.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 27 August 2021, the Council notified the other parties to the agreement of its intention to make the present application. Those parties are:
 - The Australian Workers' Union of Employees, Queensland ('the AWU');
 - Queensland Services, Industrial Union of Employees ('QSU');
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('the CFMEUQ'); and
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('the AMWU').

- [7] I am satisfied the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] The AWU and QSU appeared today and consented to the present application. On 16 and 17 September 2021 respectively, the AMWU and CFMEUQ sought and obtained leave to be excused from appearing on the basis those organisations also consent to the application. No other person appeared or sought to make submissions. I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.
- [9] On 13 September 2021, the Council made an application under s 189 of the IR Act to certify the *Central Highlands Regional Council Certified Agreement 2021-2024*.¹
- [10] The Council and the employee organisations listed at [6] above have agreed to the terms of the *Central Highlands Regional Council Certified Agreement 2021-2024* which will replace the agreement.
- [11] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the *Central Highlands Regional Council Certified Agreement 2018-2021* with effect from today's date, being 23 September 2021.
- [13] I make the following order:

The *Central Highlands Regional Council Certified Agreement 2018-2021* is terminated.

¹ *In the making of the Central Highlands Regional Council Certified Agreement 2021-2024* [2021] QIRC 329.